

**Litchfield Planning Board**

**November 3, 2009**

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Minutes approved 12/1/09

**Members present:**

Edward Almeida, Acting Chairman  
Leon Barry  
Steve Perry, Selectmen's Representative  
Carlos Fuenes

**Members not present:**

Alison Douglas, Chairman  
Marc Ducharme, Clerk  
Jayson Brennen  
John Miller, alternate

**Also present:**

Joan McKibben, Administrative Assistant  
Steve Wagner, Nashua Regional Planning Commission, Circuit Rider

**AGENDA**

**1. Work Session open space subdivision (conservation subdivision)**

**2. Work Session - Inclusionary Housing**

**3. Review of escrow funds for possible release**

**Any Other Business:**

**Approve Minutes 9/15/09 and 10/6/09**

**Correspondence**

Acting Chairman Edward Almeida called the meeting to order at 7:15 p.m.

**1. WORK SESSION - OPEN SPACE SUBDIVISION (Conservation Subdivision)**

This will be discussed at the next meeting.

**2. WORK SESSION - INCLUSIONARY HOUSING**

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Mr. Steve Wagner made the changes to the proposed ordinance as recommended at the last meeting. The Board discussed the suggested districts for inclusionary housing:

Northern WFH Overlay District: District Boundary: North of Leach Brook. Southern WFH Overlay District Boundary: South of Nesenkeag Brook and 500 feet east of the eastern edge of R.O.W. of NH 3A (Charles Bancroft Hwy) to 600 feet north of the northern edge of R.O.W. of NH 102 (Derry Road).

Mr. Barry talked about manufactured homes and modular homes. It was noted this is not a consideration for workforce housing and that mobile homes are allowed in Town on 15 contiguous acres per Section 505 Mobile Home Park District.

Permitted Uses: Everything in the southern district would allow single family and duplexes, maybe three units and in the northern overlay district would permit five family units.

It was mentioned that the commercial and industrial areas along Route 3A particularly around Rodonis farm, workforce housing would not be permitted. This was discussed.

The voters would have to approve the workforce housing ordinance. Mr. Wagner suggested a separate warrant for the overlay districts and a separate warrant for the rest of the ordinance.

Mr. Wagner referenced Page 2 of the proposed ordinance *Table V-1 Affordable Housing Incentives*. He said that one thing he noticed is to allow for reduced roadways for any road that is going to have less than 400 vehicles a day. That would save a lot of money. Table shows a 20% reduction for frontage, building setbacks, building envelope and minimum area (Lot size) municipal water and septic.

Mr. Perry: What is stopping them from having one-way traffic and no on street parking?

Mr. Wagner agreed it could be permitted as long as the road is wide enough for fire trucks and 22-foot wide road is plenty wide.

Mr. Perry: What Steve said, last time we were talking about this and I said when the discussion came up as to what advantage do they have by doing this and I mentioned maybe a 20% reduction in all setbacks, and things like that. He went down to the next level and he reduced the road width by 20% and in doing that they can save money, thousands of dollars by cutting the road width. So, cutting the road width is that beneficial maybe we can even go to the extreme of saying one way traffic, you can go down to a certain footage which he is saying 18 and that just means traffic has to flow in one direction because you are still getting houses on both sides.

Mr. Wagner will add to the ordinance one-way roads, 18 feet.

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1 Mr. Wagner: By reducing the lot size, obviously, you are increasing the density. I have a  
2 question regarding frontage because in residential you say 150 feet, and transitional you  
3  
4 say 150 or 200 feet, you could go almost go to 50% frontage reduction.

5  
6 Mr. Perry indicated 90 feet frontage and the 20% reduction in the building setback is only  
7 10 feet but they could be 30 to 40 feet from the road and that would be fine.

8  
9 Transitional area was discussed. Mr. Barry: What happens if we did it in reverse instead  
10 of blocking places out we open the whole Town to it and say these are the areas you  
11 cannot do it in Town. Do the whole Town but the transitional zone is out and then we call  
12 the shots on what we want...you can't do it in the forest area (State Forest), you can't do  
13 it on the land along the river.

14  
15 Talk continued. Mr. Wagner: In the transitional zone, a mixed use is allowed: One  
16 residential unit in conjunction with a commercial use. In the permitted uses, conditional  
17 uses we could say transitional is a mixed use development only.

18  
19 Mr. Barry: We ought to block out the area or I like the point of saying open up the whole  
20 Town but we will block out areas where you cannot do it and it would be much less than  
21 50%.

22  
23 Mr. Perry: Then you have to explain why you are blocking out what areas.

24  
25 Mr. Wagner suggested in the conditional use limit it to parcels no smaller than 5 acres  
26 not larger than 20 acres. Mr. Perry: Which if you change everything by 20% you now go  
27 from duplexes being 1.5 acres to 1.2 acres...someone could demolish their house and put  
28 up a duplex.

29  
30 All in all, Mr. Perry indicated that 20% is reasonable and is more than is needed.

31  
32 Mr. Wagner: So, frontage 90 feet rather than 20%?

33  
34 Mr. Perry: I say right now you can feasibly build a house for an affordable cost with the  
35 current standards we have and 20% reduction on everything is probably way more than  
36 they actually need...I think it is more than approvable basis to say we are allowing for it.

37  
38 Mr. Wagner: What does the Board think? Specific frontage amount or just leave it at  
39 20%?

40  
41 Mr. Perry: I think if we set it up with a percentage basis like you have it in this table, it is  
42 easy to modify it. So, if land cost skyrockets again and we are back up to \$170,000 per  
43 lot and let's just say the price for the home only goes \$290,000 for affordability, it would  
44 be easy enough all you have to do is go back and change the table. That is why when you  
45 made the recommendation of doing a table with a percentage, I thought it was a great

1 idea.

2  
3  
4 Talk continued regarding adjusting the table if needed at a later date. Mr. Perry: If you  
5 blanket the whole Town and say it has to be a minimum lot size of 5 acres, 10 acres or 15  
6 acres...

7  
8 Mr. Fuertes: That might work...there is a certain percentage we have to be at. I was  
9 wondering what percentage are we at?

10  
11 Mr. Wagner: What they get you with is you have your fair share of affordable housing  
12 and they didn't define fair share so you have to look at the numbers and say, well, we  
13 have 40% of our housing is below the 100% of median sale price, is that enough? It is  
14 probably close, I do not know.

15  
16 Mr. Fuertes: It almost seems like we are already there anyway.

17  
18 Mr. Perry: You can pretty much go along with the guidelines we have set. You can take  
19 what we currently have as our requirements, do a 20% reduction on all of them and we  
20 would more than qualify and then all we have to do is decide where we are going to allow  
21 it and if we say a 5 acre lot, 10 acre lot, something like that, any of those allowable in any  
22 residential area excluding this like the town forest. I say we could be done.

23  
24 Mr. Wagner: Mixed use is allowed in the transitional and we still take the northern area  
25 and that is the only place for 5 plus families.

26  
27 Mr. Perry: Do you agree with that? That we could feasibly call that done?

28  
29 Mr. Wagner: Well, I mean the affordability has to be in there.

30  
31 Talk ensued. Mr. Wagner: Let's say they want to do a conservation subdivision  
32 affordable housing, we are not going to allow 20% reduction? Theoretically, you can't  
33 stop them if it is town-wide; that they could do an affordable housing project as a  
34 conservation subdivision.

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36 Mr. Perry: Why would they?

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38 Mr. Wagner: A piece of land is such.

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40 Mr. Perry: Every piece of land they (developers) are going to find in Litchfield is going  
41 to be that way so we are going to get a percentage of it anyways; at least a percentage is  
42 going to stay open. Any of those lots on 3A by the Library, all those lots there are big  
43 pockets of wetlands, so is the one at the end of Meadowbrook down here, same thing,  
44 you have to cross wetlands to get to the dry spot which is the middle. Any of those pieces  
45 of property if we tweak these guidelines too much what is going to end up happening is

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1 they are going to have a 90 acres piece of property with what is called 35 acres of good  
2 land which is close to what Stage Crossing had and they will try to maximize if we do a  
3  
4 conservation subdivision by giving us all the wetlands in exchange for building on the  
5 good land...

6  
7 Mr. Wagner: Do I need to say this excludes conservation subdivisions as an option?  
8

9 Mr. Perry: We do not even have them right now.  
10

11 Mr. Almeida: And when they come in we have to remember to go back and put a  
12 percentage in case it does apply because if we go 90 feet, it is 80% of that.  
13

14 Mr. Fuertes commented that the townspeople would probably vote against the ordinance.  
15 Mr. Perry added that most voters are uninformed. It was suggested using some of the  
16 grant money by sending out letters educating residents about workforce housing.  
17

18 Mr. Barry mentioned the buildable area and asked are people going to be able to put a  
19 porch or pool if the lot size is less, the frontage 20% less, this piece of land is going to be  
20 more elongated than it is rectangle so by having 20% less in the building area, does that  
21 make that piece of land still workable if they want to put something in there?  
22

23 Mr. Wagner: You can do more like triangles...and it still allows a shorter road length.  
24

25 Talk ensued. Mr. Perry: We are going to blanket the Town and we are going to go with  
26 10 acres or something like that. I'd say 500 feet on both sides of 3A is what they have to  
27 stay away from, and the State forest and anything else anybody else wants to put in.  
28

29 Mr. Wagner: No State forest, no industrial districts.  
30

31 Mr. Perry: If we get rid of industrial that means we get rid of Page and Cutler unless you  
32 just name out the industrial areas...  
33

34 Mr. Wagner will incorporate the changes and email changes to the members.  
35

36 **Growth Management** - Mr. Wagner: Even though the Growth Management Ordinance  
37 will sunset in March, I recommend having a warrant for a trigger that if during the year  
38 somebody goes in and puts a 500-unit subdivision in that triggers growth to come back  
39 into effect, or just let it sunset and deal with it later.  
40

41 Further talk on growth management went on. Mr. Wagner: Do we want to put something  
42 like the clause at the end of the growth management up to 1% or 4% of previous year's  
43 total dwelling units is the maximum affordable housing that can be built?  
44

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Mr. Barry stated that he would like to see some protection put into the ordinance. Mr. Wagner: I could take the one in the growth management that is not to exceed 4% of the previous year's total dwelling units. That is what we had for the Older Persons.

### 3. RELEASE OF ESCROW AMOUNTS

The Board reviewed the open escrow accounts in order to try to close out some of the accounts. There are escrow accounts in the red because the developers are not replenishing the accounts.

Lamontagne Builders - There is \$26,000 escrow money placed for the first 200 feet of Old Stage Road. A two-year maintenance bond will be needed before releasing it.

Vessels - Mr. Barry **MOTIONED** to release the money in the escrow Account #9721287806 Book 32 William vessels. Mr. Fuertes seconded. Motion carried 4-0-0.

Phase II Cutler Road lots - Page & Cutler LLC. Mr. Perry **MOTIONED** to release Account #9721288383 Book 33 to Page & Cutler Phase II. Mr. Barry seconded. Mr. Fuertes asked why not release Phase I escrow. Mr. Perry replied there is a culvert that has not been taken care of and this needs to be checked out. Motion carried 4-0-0.

R&D Development Heron Drive escrow has not been replenished. Mr. Perry said to notify Kevin Lynch, Code Enforcement Officer, that no building permits would be issued until the escrow is brought to \$10,000.

Boucher's Sandpit - Mrs. McKibben said that the lot is being used for stockpiling for the bike path being constructed. Mr. Barry felt the lot should not be used for anything because it is under current use and it is now being utilized for another use...storing equipment, etc. This will be reviewed by the Code Enforcement Officer.

Sanborn Development - Mrs. McKibben informed the Board that Blackbird Lane was paved today and they will need to post a two (2) year maintenance bond.

Heritage & Blossom - Mr. Kevin Lynch needs to check units at Heritage and Blossom subdivisions to make certain the units that have not been issued a Certificate of Occupancy are not in fact occupied.

Sanborn Development - Mr. Barry read the bond information from Lou Caron (LC Engineering) on Blackbird Lane. Mr. Caron recommends a two-year bond in the amount of \$27,900 but he states that there is still work to do on the roadway so the bond will need to be recalculated.

### MINUTES

Mr. Perry **MOTIONED** to accept the minutes of September 15, 2009, as written.

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1 Mr. Barry seconded. Motion carried 4-0-0.

3 Mr. Perry **MOTIONED** to accept the minutes of October 6, 2009, as written. Mr.

5 Almeida seconded. Motion carried 3-0-1.

8 There being no further business, Mr. Perry **MOTIONED** to adjourn the meeting.

9 Mr. Fuertes seconded. The meeting adjourned at 9:20 p.m.

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Edward Almeida, Acting Chairman

17 \_\_\_\_\_  
Leon Barry

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Steve Perry, Selectman Representative

23 \_\_\_\_\_  
Carlos Fuertes

28 Lorraine Dogopoulos  
29 Recording Secretary (from tape)